

**REMARKS**

Claims 20-25, 27, 29-32, 34-37, 43-46, 48 and 50 are pending in this application.

Claims 20, 37, 45 and 50 have been amended by the present Amendment.

Amended claims 20, 37, 45 and 50 do not introduce any new subject matter.

Claims 23, 43 and 44 have been canceled without prejudice or disclaimer.

**OBJECTION TO THE SPECIFICATION**

In accordance with the Examiner's suggestion, the specification has been amended to replace reference number 216 with 416 on pages 20 and 21 of the specification. Accordingly, withdrawal of the specification objection is respectfully requested.

**OBJECTION TO THE DRAWINGS AND REJECTION UNDER 35 U.S.C. § 112**

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) because "the wedge being locked into a plurality of positions along the y-axis must be shown or the feature(s) canceled from the claims".

The Examiner has rejected claims 20-25, 27, 29-32, 34-37, 43-46 and 48 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner maintains that claims 20 and 37 recite a wedge that is positively locked into a plurality of positions along the y-axis, and that "[i]t is unclear how any object can be locked into a plurality of positions along a single axis at any one given time."

Without conceding the merits of the Examiner's rejection, Applicant has deleted "the wedge is locked into a plurality of positions along the y-axis" from claims 20 and 37.

Accordingly, withdrawal of the drawing objection and the rejection of claims 20-

25, 27, 29-32, 34-37, 43-46 and 48 under 35 U.S.C. § 112 is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 102 and § 103**

Reconsideration is respectfully requested of the rejection of claims 20, 27, 29-31 and 34-36 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,380,978 ("Adams").

Reconsideration is respectfully requested of the rejection of: (1) claims 20-25, 27, 29-31, 34-37, 43-46 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of JP 06197245 ("Yoshioka"); and (2) claims 32 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of U.S. Patent No. 6,216,927 ("Meritt").

Claims 1 and 50 recite, *inter alia*, that the at least one rigid member is attached to the housing via a moveable ball joint moveable in at least two of x-axis, y-axis and z-axis directions. Claim 37 recites, *inter alia*, that the one end of the at least one mounting post is attached to the housing via a moveable ball joint moveable in at least two of x-axis, y-axis and z-axis directions.

Applicant respectfully submits that Adams, when taken alone, or in combination with Yoshioka and/or Meritt does not disclose or suggest the rigid member or the mounting post as claimed.

The Examiner admits that Adams fails to disclosed a rigid member or mounting post, and relies on Yoshioka to cure the deficiency in Adams.

However, in contrast to the claimed embodiments, Yoshioka fails to teach or suggest a rigid member or mouting post that is attached to the housing via a moveable ball joint moveable in at least two of x-axis, y-axis and z-axis directions. The joint 18 in

Yoshioka is not a ball joint, and does not appear to be capable of being moved along more than one axis. Further, Meritt does not cure the deficiency in Yoshioka.

Accordingly, for at least these reasons, Applicant respectfully submits that claims 20, 37 and 50 are not anticipated by Adams, and are patentable over Adams in view of Yoshioka and further in view of Meritt.

In addition, for at least the reason that claims 21, 22, 24, 25, 27, 29-32, and 34-36 depend from claim 20, and claims 45, 46 and 48 depend from claim 37, claims 21, 22, 24, 25, 27, 29-32, 34-36, 45, 46 and 48 are also submitted not to be anticipated by and to be patentable over the cited references, claims 23, 43 and 44 having been canceled.

As such, Applicant respectfully requests that the Examiner withdraw the rejections of claims 20, 27, 29-31 and 34-36 under 35 U.S.C. § 102(b), and of claims 20-25, 27, 29-32, 34-37, 43-46, 48 and 50 under 35 U.S.C. § 103(a).

#### **DEPENDENT CLAIMS**

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael F. Morano", is written over a horizontal line.

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